

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2015/ 2016

UAL 2612 – ADMINISTRATIVE LAW
(All Sections / Groups)

31 May 2016

Reading Time : 9.00 am – 9.15 am
(15 Minutes)

Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given. Question **ONE** is compulsory.
4. Students are allowed to bring into Examination Hall a **CLEAN** and **ORIGINAL** copy of **Rules of Court 2012** and **Government Proceedings Act 1956**.
5. Please write your answers in the Answer Booklet provided.

QUESTION 1

(The relevant provisions and sections must be discussed and applied.)

You have been appointed several years ago to assist the president of an organisation. The organisation is aimed at assisting foreign students to secure jobs locally once they finish their studies, provided that the immigration department allows them to reside and work in Malaysia.

Yuki who is a Japanese student, wishes to work for Honda based in Melaka upon the completion of her studies. However, to Yuki's dismay, her visa has not been renewed and she has to return to Japan immediately. Yuki has visited you and wants to know the following:

- i) By referring to case law, the difference between a public and a private authority.
(10 marks)
- ii) The legal implication of *JP Berthelsen v Director General of Immigration, Malaysia & Ors*. [1987] 1 MLJ, 134) and if this decision has a bearing on the current facts.
(15 marks)

(Total 25 marks)

QUESTION 2

Under section 25 of the Public Benefit Act 2009, the Minister under the Prime Minister's Department has powers to grant RM 5,000 to senior citizens if their children have abandoned them. The provision further states that the identified citizens **must** be interviewed and asked as to why they should be paid.

Mr Morris who is in his seventies lives alone as his only child is living abroad. He was the only individual who applied for the amount, but did not receive the stipulated amount. It has come to his knowledge that he was the only individual who was not called for an interview. Discuss the following:

- i) By referring to case law, explain if his right to be heard has been infringed.

(12.5marks)

Continued...

- ii) The legal implication of *Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 997 and based on this case, if the Minister in the Prime Minister's department has absolute discretionary powers to decide.

(12.5marks)

(Total: 25 marks)

QUESTION 3

Courts are always bound by ouster clauses.

Discuss the accuracy of this statement by referring to *R Ramachandran v Industrial Court of Malaysia* [1997] 1 MLJ 145.

(Total: 25 marks)

QUESTION 4

Henry was arrested two weeks ago because his neighbour reported that Henry threatened to shoot him. When the police arrived at Henry's residence, they found that he had several plastic guns which looked like genuine guns. The police have said that he will be held until further investigations take place. His father has been informed that his may take several months. Explain the following to him:

- i) If there is a ground to justify a judicial review. (8. 5 marks)

- ii) Rule 2 (4) which reads as follows:

Any person who is adversely affected by the decision, action or omission in relation to the exercise of the public duty or function shall be entitled to make the application.

(8.5marks)

- iii) By referring to case law, explain the type of remedy that he should apply and its effect on Henry.

(8 marks)

(Total: 25 marks)

Continued...

QUESTION 5

- i) Briefly state the facts of *Hill v The Chief Constable of West Yorkshire* [1989] AC 53 and explain the legal implication of the case.

(12.5 marks)

- ii) Briefly explain the term “judicial privilege” and state the circumstances when this privilege is available.

(12.5 marks)

(Total: 25 marks)

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